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Paper No. 14

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In re Application of

:

OFFICE OF PETITIONS

Teig et al.

Application No. 09/737,245

ON PETITION

Filed: December 13, 2000

Attorney Docket No. SPLX.P0012

This is a decision on the petition under 37 CFR 1.137(f), filed June 6, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

The petition under 37 CFR 1.137(f) cannot be acted on due to the above-identified application already being abandoned for not timely responding to the non-final Office action mailed on December 4, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on March 5, 2003. Petitioner first needs to resolve that issue before the Office can act on the 1.137(f). Petitioner may wish to submit a petition under 37 CFR 1.137(b), which is enclosed for petitioner's convenience.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply,<sup>2</sup>
(2) the petition fee,

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

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t 37 CFR 1.137(f) provides for revival of a nonprovisional application which became abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing.

In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the existing Customer Window located at:

2011 South Clark Place Crystal Plaza 1 Lobby Room 1B03 Arlington, VA 22202

The centralized facsimile number is (703) 872-9306.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase

Petitions Examiner Office of Petitions

Office of the Deputy Commissioner for Patent Examination Policy

Enclosure: PTO/SB/64 - Petition Under 37 CFR 1.137(b)